REMARKS

Claims 1-4 and 14 have been rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent Publication No. 2002/0195366 (hereinafter "Castleberry"). In support of the rejection of claim a the Examiner contends "Castleberry teaches a method for the propogation of and aeroponic growing of plants comprising transplanting a living plant into a vessel of polymer foam (Castleberry #20) having at least one cavity (Castleberry #28) distal to said plant; applying water to said foam sufficient to saturate said foam, whereby roots of said plant extend into and grow within said cavity (Castleberry page 2, right hand side column, line 6-9 and page 1, paragraph [0002] first three lines)."

The Applicants traverse this rejection. Before addressing Castleberry, the Applicants note that their invention provides for a device (vessel 10) for the propagation of and aeroponic growing (method) of a plant including a foam core 15 (formed from polymeric material) having a coated exterior surface 14. A reservoir 20 is cut or molded from the foam core 15. Communicating with the reservoir is a passageway 23 bored into the foam core 15. When plant cuttings are inserted into the foam core 15, the plants grow through the foam core 15 toward the reservoir 20 and passageway 23. The roots 31 of plants proliferate in the reservoir 20 and passageway 23. For example, according to page 6, lines 14-17, "during propagation roots initiate in the foam and grow into the passageway 23 and into the reservoir 20. The plant will take water from the foam 15, which is replenished by the water contained in the reservoir [20] as well as by water newly added to the foam 15." Furthermore, according to page 6, lines 17-22, "the water is translocated into the plant through the roots 31. As the reservoir 20 and passageway 23 are emptied, a moist air remains which encourages and promotes the aeroponic growth of the roots 31, as depicted in Fig. 4."

The Applicants contend that the inventions as recited in independent claim 1 and independent claim 14 are in no way taught or suggested by Castleberry. For example, Castleberry provides, according to paragraph 0023, lines 1-3, a "floral container 10 with a foam insert 20 for holding a vase (not shown) [i.e. floral product] containing flowers or another arrangement for delivery." In other words, the floral container 10 is a container for holding a

separate container such as a vase. According to paragraph 0023, lines 22-25, the foam insert 20 is provided to absorb shock to keep the separate container stable within the floral container 10 when the floral container 10 is handled or otherwise lifted.

Although the section members 22 and 24 forming the foam insert 20 can absorb spillage of water or can be preloaded to hold water or growing medium to keep plants contained in the separate container fresh, Castleberry neither teaches nor suggests the Applicants' method of providing a cavity containing water and moist air or a device which provides such a cavity, in which cavity the propagation and aeroponic growth of plants is facilitated. Moreover, the Applicants have found that the roots of the plant propagate into the cavity to a greater extent than they do into the foam. (See page 6, lines 14-27 for support as well as Figs. 3 and 4). Claim 1 has been amended to reflect these features. As such, Castleberry cannot meet the limitations of independent claims 1 or 14. The cavity 28 provided by Castleberry does not provide water and moist air for the purpose of promoting root growth. Consequently, claims 1 and 14 are deemed allowable over Castleberry. Moreover, claims 2-4, depending from claim 1, are also deemed allowable due to their dependency from allowable independent claim 1.

Claims 5-13, 15 and 18 have been rejected under 35 U.S.C. § 103 as being unpatentable over Castleberry in view of U.S. Patent No. 4,077,511 (hereinafter "Mosijowsky"). The Applicants have considered the Examiner's application of Castleberry and Mosijowsky against these claims and respectfully contends that they should be allowable based upon their dependency from amended claims 1, 8 and 14. Furthermore, neither Castleberry, Mosijowsky, nor a combination thereof teaches or suggests the Applicant's invention as recited in amended independent claims 1, 8 and 14. Claim 8, in particular, is directed toward a vessel

The Applicants' invention as claimed in amended independent claim 8 is directed to a vessel for the propagation and aeroponic growing of plants, the vessel employing two cavities, both of which provide water and moist air for the growth of roots. However, neither Castleberry, Mosijowsky, nor a combination thereof teaches or suggests the vessel claimed in independent claim 8 as amended. For example, as discussed above, Castleberry discloses a floral

container 10 for holding a separate container such as a vase [i.e. floral product] including the foam insert 20 to absorb shock to keep the separate container stable within the floral container 10 when the floral container 10 is handled or otherwise lifted. Moreover, Mosijowsky discloses a tree and shrub feeder "for placement on the ground about a grounded plant to be fertilized by leaching action in response to rainfall," column 1, lines 20-24. According to column 3, lines 18-36, the operation of the tree and shrub feeder of Mosijowsky is described as follows:

> In operation, a quantity of water-soluble fertilizer 62 is placed within the inner receptacle 22 and the latter is then wedged downwardly into the outer receptacle 16 with the openings 40 registered with the openings 42. Thereafter, the top wall or cover 50 may be secured over the upper end of the receptacle 16 and the stalks 58 of the artificial flowers 60 may be forced downwardly through the central opening 56 and into the fertilizer 62. Then, each time it rains a portion of the rain water falling on the feeder 14 will be trapped within the confines of the curb 52 of the top wall 50 and will drain downwardly into the upper ends of the passages 34 through the openings 54. This water will flow downwardly through the passages and into the space between the bottom walls 20 and 26. As the quantity of water within the outer receptacle 16 increases it will flow into the bottom portion of the inner receptacle 22 through the openings 46 in order to dissolve some of the fertilizer 62 within the receptacle 22.

According to column 3, lines 36-39, once the water level within the inner receptacle 22 increases, the water "will reach the level of the openings 40 and flow outwardly therethrough and also through the openings 42." As such, according to column 3, lines 39-44, the fertilizer enriched water (following outwardly through openings 40 and openings 42) "will flow downwardly along the outer sides of the outer container or receptacle 16 and onto the ground to be absorbed into the latter for feeding the tree by leaching action."

Such leaching of fertilizer onto the underlying ground is not provided by the Applicants' devices or method. Nor, is such leaching suggestive of the aeroponic growth of plants (roots) into any cavities these references may teach. In view of the differences between claim 8 as amended and the references, the Applicants contend that claim 8 should be allowable and consequently, claims 9-13 are likewise deemed allowable due to their dependency from allowable independent claim 8.

In conclusion, independent claim 1, independent claim 8, independent claim 14, and the dependent claims respectively depending from these independent claims are patentable over Castleberry, Mosijowsky, or a combination of Castleberry and Mosijowsky. Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call. A one month extension of time is being filed concurrently with this Amendment. A check in the amount of $110.00 is also being submitted herewith. The Commissioner is hereby authorized to charge any deficiencies or credit any overpayments to Applicant's attorneys Deposit Account No. 18-0987.

Respectfully submitted,

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